

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated December 15, 2004. Claims 8-9, 12-16, 19-33, and 37-48 are currently pending in the application. As indicated above, Claims 8 and 19 have been amended, Claims 47 and 48 have been newly added, and Claims 1-7, 10-11, 17-18, and 34-36 have been cancelled without prejudice.

In the Office Action, the Examiner has rejected Claims 1-18, 20-35, and 37-46 under 35 U.S.C. § 102(e) as being anticipated by *Laakso* (U.S. 6,671,512 B2), Claims 19 and 36 under 35 U.S.C. § 103(a) as being unpatentable over *Laakso* in view of *Rostoker et al.* (U.S. 6,111,863), and Claim 19 under 35 U.S.C. § 112, second paragraph, as being indefinite.

As indicated above, Claims 1-7, 10-11, 17-18, and 34-36 have been cancelled without prejudice. Accordingly, it is respectfully submitted that the rejections of these claims are moot.

With regard to the rejection of Claim 19 under 35 U.S.C. § 112, second paragraph, the Examiner asserts that there is some confusion as to the subject matter being claimed therein. Therefore, as indicated above, Claim 19 has been amended to more clearly recite the originally presented subject matter. Accordingly, it is respectfully requested that the rejection of Claim 19 under 35 U.S.C. § 112, second paragraph, be withdrawn.

As indicated above, independent Claims 8, 15, and 30 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Laakso*. More specifically, the Examiner asserts that *Laakso* teaches all the recitations of Claims 8, 15, and 30. However, it is respectfully submitted that the Examiner is incorrect.

The present invention discloses a method for determining a transmission rate of a reverse data in a mobile communication system employing a high data rate transmission scheme. An AN

(Access Network) calculates the total load of a reverse link by measuring the total energy of the reverse link, and calculates the load share of each AT (Access Terminal) in the total load. If the load share of an AT is greater than a predetermined threshold, the AN determines that the AT should reduce a data rate to be transmitted from each of corresponding ATs.

The cited reference, *Laakso*, controls power by controlling a traffic load in a cell. That is, if the load of the total cell is greater than a threshold (reference value), transmission power of the cell is reduced. However, it is respectfully submitted that *Laakso* fails to disclose or teach the subject matter of the present invention, i.e., if the load share of the AT is greater than the predetermined threshold, the AN determines that the AT should reduce the data rate to be transmitted from each of the corresponding ATs. In light of the above point, it is respectfully submitted that the data rate control of the present invention differs from power control of *Laakso*.

More specifically, each of independent Claims 8, 15, and 30 recites controlling reverse data rates in a mobile communication system *by individually handling the reverse data rates of each AT included in the communication system*. However, it is respectfully submitted that *Laakso* teaches controlling a traffic load on a cell basis, not for each individual AT included in the cell as recited in Claims 8, 15, and 30. For example, in Claims 8, 15, and 30, a load share is calculated for each individual AT, and this load share is then compared to a predetermined threshold for each individual AT. If an AT is above its predetermined threshold, then the reverse data rate of this AT is reduced. In *Laakso*, however, when a load of an entire cell is greater than a threshold, the transmission power of the cell as a whole is decreased, not considering the ATs (or MSs) individually. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting independent Claims 8, 15, and 30, and it is respectfully requested that the rejection of Claims 8, 15, and 30 be withdrawn.

Additionally, as indicated above, independent Claims 47 and 48 have been newly added. Further, it is respectfully submitted that these claims are patentably distinct from the Examiner's cited art.

With regard to the rejection of dependent Claims 19 and 36, which the Examiner has rejected under 35 U.S.C. § 103(a) as being unpatentable over *Laakso* in view of *Rostoker*, it is respectfully submitted that the Examiner's assertions regarding *Rostoker* are incorrect.

More specifically, *Rostoker* relates to an apparatus and a method for a dynamic allocation of a bandwidth between audio, video, and data signals. The allocation is performed by buffering signals, making priority assignments to each of the buffered signals, and transmitting the buffered signals according to the priority assignments. The transmitted signals occupy a RF bandwidth in portions specified by the priority assignments. The priority assignments are changed.

For example, the priority assignments of the video, audio, and data signals are changed to 1, 0, and 0, the video signal is transmitted over the entire RF bandwidth until the video buffer 23a is empty. If the video buffer is emptied, the audio and data signals are transmitted. If the priority assignments of the audio and data signals are equal, each will occupy one-half of the RF bandwidth during transmission. If the video buffer 23a receives additional video, the transmission of the audio and data signals is stopped and the video signal is transmitted until the video buffer 23a is emptied. Then, transmission of the audio and data signals is resumed. (See col. 4, lines 47-58)

However, it is respectfully submitted that *Rostoker* does not disclose a construction of the present invention, i.e., that the AN checks ATs requesting a predetermined data rate of a series of data rate, checks service priorities of the AT for the ATs requesting the predetermined data rate, determines RABs for the ATs in a descending order of the service priorities, determines an RAB first for an AT with a lower data rate, if there are ATs that have the same priority, and gives a lower priority to an AT having a high priority for more than a predetermined number times to maintain service equity between ATs. Therefore, it is respectfully submitted that Claims 19 and 36 are patentably distinct over the combination of *Laakso* and *Rostoker*.

As independent Claims 8, 15, 30, 47, and 48 are believed to be in condition for allowance, then, at least because of their dependence on these claims, respectively, dependent Claims 9, 12-14, 16, 19-29, 31-33, and 37-46 are also believed to be in condition for allowance.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 8-9, 12-16, 19-33, and 37-48, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over a horizontal line.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

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